Supreme Court, U.S.
FILED
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NO: 90-1752 (3)

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

ALBERT THOMAS ——— PETITIONER

vs.

BLISS & LAUGHLIN STEEL CO. — RESPONDENT

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

S U P P L E M E N T A R Y A P P E N D I X

ALBERT THOMAS PRO SE
730 EAST 155TH COURT
PHOENIX, ILLINOIS 60426
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S U P P L E M E N T A R Y
A P P E N D I X

United States Court of Appeals

For the Seventh Court
Chicago, Illinois 60604

No. 90-3215

ALBERT THOMAS, *Plaintiff-Appellant,*
v.
BLISS & LAUGHLIN STEEL COMPANY,
Defendant-Appellee.

Appeal From The United States District Court For the Northern District of Illinois, Eastern Division:
No. 86 C 9949
Chief Judge James B. Moran

MOTION TO DISMISS THE APPEAL

Appellee, *Bliss & Laughlin Steel Company* (hereinafter referred to as the "Company"), respectfully requests the Court enter an order dismissing appellant Albert Thomas' appeal on the grounds that it is frivolous and, hence, does not invoke this Court's jurisdiction. In support of this Motion, the Company states as follows:

1. Following this Court's grant of appellant Thomas' requests for extension of time in which to file a Brief in support of his appeal, on December 26, 1990, Thomas filed a two-page Brief (and appendix).[1/]

[1/] A true and correct copy of the Brief is attached hereto.

2. The Brief does not satisfy the requirements of Federal Rule of Appellate Procedure 28 in that it does not contain: a Table of Contents, a Table of Cases, an Argument, or a short Conclusion stating the precise relief requested. In addition, the Brief does not satisfy the requirements of Circuit Rule 28 in that it does not contain: a Jurisdictional Statement, a Statement of Facts, or any references to the pages of the record.

3. In addition, the brief does not contain any citations to legal authorities, [2/] and does not specify any error in the District Court's decision. The entire Brief is one and one-half pages of hard-to-follow narrative. There is no legal argument. As this Court has previously stated, "[s]o naked a submission is frivolous per se." *Brooks v. Allison Division of General Motors,* 874 F.2d 489, 490 (7th Cir. 1989). *See Mays v. Chicago Sun-Times,* 865 F.2d 134, 138 (7th Cir. 1989); *Mitchel v. General Electric Co.,* 689 F.2d 877 (9th Cir. 1982).

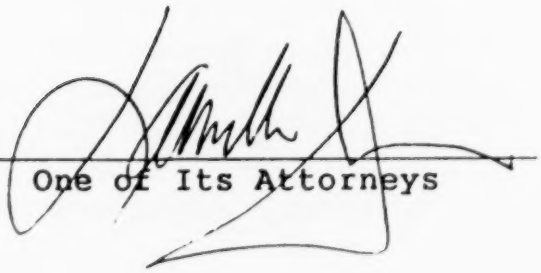
[2/]The citation to *Coston v. Plitt Theatres, Inc.,* 831 F.2d 1321, 1326 (7th Cir. 1987), *cert. denied,* 108 S. Ct. 1471 (1988) is within a paragraph quote from the District Court's decision granting summary judgement on Thomas' race discrimination in termination from employment claim, but denying summary judgement on Thomas' age discrimination in employment claim. After a full trial on the merits, the District Court issued a decision in favor of the Company on Thomas' age discrimination claim.

WHEREFORE, because Thomas' brief is frivolous, the Company respectfully requests that the Court issue an order dismissing Thomas' appeal. In the alternative, should the Court not dismiss Thomas' appeal, the Company requests that it be given thirty days from the

date of this Court's decision on this motion to respond to his appeal.

Respectfully submitted,

BLISS & LAUGHLIN
STEEL COMPANY

By 
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Dated: January 11, 1991

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